

# EXHIBIT A

In the Chancery Court for  
WHITE COUNTY,  
TENNESSEESTATE OF  
TENNESSEE  
CIVIL SUMMONSCase Number  
2014-CV-48

page 1 of 1

CITIZENS BANK OF CARTHAGE vs. STATE FARM FIRE AND CASUALTY COMPANY

Served On:

STATE FARM FIRE  
AND CASUALTY  
COMPANYJulie Mix McPeak, Commissioner  
The Department of Commerce & Insurance  
500 James Robertson Parkway  
Nashville, TN 37243

You are hereby summoned to defend a civil action filed against you in the Chancery Court for White County, Tennessee. Your defense must be made within thirty (30) days from the date this summons is served upon you. You are directed to file your defense with the clerk of the court and send a copy to the plaintiff's attorney at the address listed below. If you fail to defend this action by the required date, judgment by default may be rendered against you for the relief sought in the complaint.

Issued: 5/13/2014Gena M. Brock pp  
Clerk / Deputy Clerk - CLERK & MASTERAttorney for Plaintiff: William D. Mitchell112 South Main Street, Sparta, TN 38583 (931) 836-3192

## NOTICE OF PERSONAL PROPERTY EXEMPTION

TO THE DEFENDANT(S): Tennessee law provides a ten thousand dollar (\$10,000) personal property exemption as well as a homestead exemption from execution or seizure to satisfy a judgment. The amount of the homestead exemption depends upon your age and the other factors which are listed in TCA §26-2-301. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for your self and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to execute it, you may wish to seek the counsel of a lawyer. Please state file number on list.

Mail list to

## CERTIFICATION (IF APPLICABLE)

I, Gena M. Brock Clerk of Chancery County do certify this to be a true and correct copy of the original summons issued in this case.Date: 5/13/2014Gena M. Brock pp  
Clerk / Deputy Clerk - Clerk & Master

OFFICER'S RETURN: Please execute this summons and make your return within ninety (90) days of issuance as provided by law.

I certify that I have served this summons together with the complaint as follows:

Date:

By:

RETURN ON SERVICE OF SUMMONS BY MAIL: I hereby certify and return that on \_\_\_\_\_, I sent postage prepaid, by registered return receipt mail or certified return receipt mail, a certified copy of the summons and a copy of the complaint in the above styled case, to the defendant \_\_\_\_\_. On \_\_\_\_\_ I received the return receipt, which had been signed by \_\_\_\_\_ on \_\_\_\_\_. The return receipt is attached to this original summons to be filed by the Court Clerk.

Date:

Notary Public / Deputy Clerk (Comm. Expires \_\_\_\_\_)

Signature of Plaintiff

Plaintiff's Attorney (or Person Authorized to Serve Process)

(Attach return receipt on back)

Rev. 8/05/10

Copy For Defendant

**IN THE CHANCERY COURT FOR WHITE COUNTY, TENNESSEE**  
**FILED**

CITIZENS BANK OF CARTHAGE,  
 TENNESSEE

Plaintiff,

Vs.

STATE FARM FIRE AND CASUALTY  
 COMPANY

Defendant.

DATE: 5/13/2014

TIME: 2:20 pm

Gena M. Brock pp  
 GENA M. BROCK, CLERK & MASTER

CASE NO. 2014-CV-48

I, GENA M. BROCK, Clerk & Master for the Chancery Court,  
 White County, Tennessee, do hereby certify that the foregoing  
 is a true and perfect copy as appears on file in record, in my  
 office in \_\_\_\_\_ Book No. \_\_\_\_\_ Page \_\_\_\_\_  
 This the 13<sup>th</sup> day of May, 2014

Gena M. Brock pp  
 CLERK & MASTER

**COMPLAINT**

NOW COMES THE PLAINTIFF, CITIZENS BANK OF CARTHAGE,  
 TENNESSEE (Sparta Branch), and would show unto the Court the following state of facts:

1. Plaintiff is a duly organized bank authorized to do business in the State of Tennessee;
2. The defendant, STATE FARM FIRE AND CASUALTY COMPANY, is likewise a  
 duly organized insurance company authorized to do business in the State of Tennessee;
3. The defendant issued a homeowners policy of insurance, bearing policy number 42-  
 G8-7931-5 (see Exhibit "A" attached hereto), with effective dates of September 15, 2012 to  
 September 13, 2013, to Virginia Presley and Thomas Presley with the insured risk being  
 identified as the structure owned and occupied by Virginia Presley and Thomas Presley as their  
 residential home located at 621 Roosevelt Drive, Sparta, Tennessee and the plaintiff, CITIZENS  
 BANK OF CARTHAGE, named as loss payee;

4. The afore-described policy of insurance provided replacement cost coverage for damage caused by fire loss to the maximum extent of \$91,600;

5. On or about May 17, 2013, the insured risk sustained a loss by fire and a Sworn Statement in Proof of Loss was submitted by the owner, as evidenced by Exhibit "B" attached hereto;

6. The defendant has refused to honor the coverage provided in the afore-designed policy insuring the plaintiff, and alternatively has taken the position that it will pay no more than \$37,161.99 to the plaintiff for the repair cost of the insured property, in spite of numerous estimates reflecting an average repair cost in the range of \$64,000 (see Exhibits "C" and "D");

7. The defendant has refused to offer any justifiable explanation or grounds to the plaintiff for its failure to honor the policy requirements, including its refusal to provide any estimates regarding the reasonable cost for replacement of the burned structure as indicated, by Exhibit "E";

8. By reason of the foregoing, the defendant is in violation of T.C.A. § 56-8-105 (12) which provides the following:

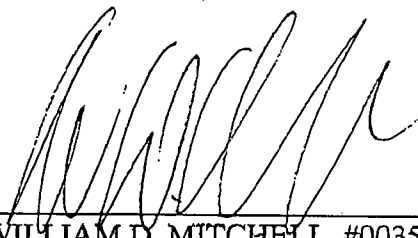
**Failing, in the case of claims denials or offers of compromise settlement, to promptly provide a reasonable and accurate explanation of the basis for such actions. Nothing contained in this subdivision (12) shall be construed as obligating any insurer to make a decision upon any claim without sufficient investigation and information to determine if the claim, or any part of the claim, is false, fraudulent, or for an excessive amount. Further, this subdivision (12) shall not apply to denials of, or offers of compromise settlement of, third-party claims;**

9. The defendant is likewise in breach of its policy contract by failing to pay the cost to restore the damaged property to its pre-loss condition.

10. Although the plaintiff has performed all conditions precedent to its right of recovery under said policy of fire insurance, the defendant has failed and refused to make payment to the plaintiff and the failure of the defendant to pay the plaintiff is and has been without justification. Therefore, it is deemed that the payment has been withheld from the plaintiff in bad faith such that the plaintiff is entitled to recover, in addition to the amount of the policy, an additional amount equal to 25% of the face value of the policy pursuant to TCA § 56-7-105.

Wherefore, plaintiff demands judgment against the defendant, STATE FARM FIRE AND CASUALTY COMPANY, for \$65,000, or such greater amount as the Court deems appropriate, plus an additional penalty of 25%, attorney's fees, pre-judgment interest and the cost of this cause.

This the 13th day of May, 2014.



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WILLIAM D. MITCHELL, #003536  
Attorney for Plaintiff  
112 South Main Street  
Sparta, TN 38583  
(931) 836-3192  
(931) 836-3193 (Fax)

**COST BOND**

We acknowledge ourselves sureties for costs in this cause not to exceed \$500.00.

  
CITIZENS BANK OF CARTHAGE, Principal

WILLIAM D. MITCHELL, Surety

**FILED**

DATE: 5/13/2014

TIME: 2:20 pm

Gena M. Brock pp  
GENA M. BROCK, CLERK & MASTER

IN THE CHANCERY COURT FOR WHITE COUNTY, TENNESSEECITIZENS BANK OF CARTHAGE,  
TENNESSEE

Plaintiff,

Vs.

STATE FARM FIRE AND CASUALTY  
COMPANY

Defendant.

CASE NO. 2014-CV-48

FILED

DATE: 5/13/2014TIME: 2:20 pmGena M. Brock pp  
GENA M. BROCK, CLERK & MASTER**PLAINTIFF'S FIRST SET OF INTERROGATORIES AND REQUEST  
FOR PRODUCTION OF DOCUMENTS TO PHILLIP BRASWELL,  
CLAIM REPRESENTATIVE, SPECIAL INVESTIGATIVE UNIT, STATE  
FARM FIRE AND CASUALTY COMPANY**

Plaintiff, by and through counsel, requests that the following interrogatories be answered by the defendant under oath and in accordance with Rules 26 and 33 of the Tennessee Rules of Civil Procedure. Further, plaintiff requests that defendant produce the documents listed below, pursuant to Rules 26 and 34 of the Tennessee Rules of Civil Procedure.

These interrogatories and Requests for Production of Documents are to be considered continuing in nature and are to be supplemented in accordance with the Tennessee Rules of Civil Procedure.

If you refuse to answer any of these interrogatories or refuse to produce any of the requested documents, in whole or in part, please describe the information withheld and the basis for your refusal to provide that information, including any claim of privilege or work product, in sufficient detail so as to permit the court to adjudicate the validity of your claim.

**I. DEFINITIONS**

For the purposes of these Interrogatories and Requests for Production of Documents, the following definitions shall apply:



1. **"YOU"** and **"YOUR"** shall refer to defendant, STATE FARM FIRE AND CASUALTY COMPANY and PHILLIP BRANSWELL, and his/its agents, attorneys, and representatives.

2. The **"LOSS"** shall mean the fire loss that is the subject of this lawsuit and which occurred on or about May 17, 2013 at 621 Roosevelt Drive, Sparta, White County, Tennessee.

3. **"(PERSON)"** shall mean any individual, corporation, partnership, proprietorship, association, organization, or governmental entity, or group of persons.

4. **"(IDENTIFY)"** shall mean:

- (a). When used in reference to an individual, to state his full name and present or last known address, the full name and present or last known address of his employer or business, and his position with said employer or business;
- (b). When used in reference to a corporation, partnership, unincorporated association, or business or governmental entity, to state its full name and present or last known address, and fully describe the business or activity in which the entity is engaged; and
- (c). When used in reference to a document, to state the date, author, type of document (e.g., letter, memorandum, photograph, telegram, tape recording, etc.), the person or persons to whom it or copies of it were sent, and its present or last known location and custodian. If any such document was, but is no longer in your possession or custody or subject to your control, state what disposition was made of it.

5. **"DOCUMENT"** shall mean every writing or record of every type and description that is or has been in your possession, custody or control, or which you have knowledge, including, but not limited to, videotapes, photographs, notes, letters, memoranda, books, magazines, notebooks, diaries, papers, agreements, contracts, invoices, analyses, transcripts, correspondence, telegrams, drafts, data possessing discs or tapes, x-rays, instructions, announcements, sound recordings and transcripts thereof. **"DOCUMENT"** also means all copies which are not identical to the original, such as those bearing marginal comments, alterations, or other notations not present on the original document as originally written, typed, or otherwise prepared.

6. **"SCOPE"** or scope sheet is a list of the areas damaged, which includes the type of damage, a description of the proposed type of repairs, and a measurement of those areas.



## II. INTERROGATORIES

1. Please identify each and every person who assisted in the preparation of the answers or responses to these Interrogatories and Requests for Production of Documents, and state the name, address, and relationship to the defendant of each such person.

**ANSWER:**

2. State each and every reason why State Farm Fire and Casualty Company has denied the claim of Virginia and Thomas Presley for the loss.

**ANSWER:**

3. Please state each and every reason the defendant gave to the plaintiff alleging that the payment of \$37,161.99 represented full performance under its contract of insurance with the plaintiff in effect at the time of the loss.

**ANSWER:**

4. Please state the name of the entity or individual engaged by State Farm Fire and Casualty to prepare the scope and estimate of the fire damage to the home in question and provide a copy of each and every written estimate provided to or acquired by State Farm Fire and Casualty in this regard.

**ANSWER:**

5. Identify the adjuster for State Farm Fire and Casualty Company who prepared the estimate of the damage with regard to this claim.

**ANSWER:**

6. Please state the name of the estimating program used by the defendant to prepare the estimate of the damage resulting from this loss.

**ANSWER:**

7. With regard to the adjuster who prepared the estimate of the damage resulting from this loss, please state the name, title, number of years of employment as an adjuster, experience in and amount of training in the use of the computer estimating program referenced in interrogatory 6 above.

**ANSWER:**

8. Was the State Farm Fire and Casualty Company estimate used to calculate the amount of damage from this loss agreed to by an independent contractor?

**ANSWER:**

9. If the answer to interrogatory 6 above is in the affirmative, please identify by name, employer, telephone number and address the contractors to whom the adjuster submitted the adjusters estimate.

**ANSWER:**

10. Please identify by name, profession, employer and contact information each and every person interviewed and by the State Farm Fire and Casualty Company adjuster regarding this loss.

**ANSWER:**

STATE OF TENNESSEE )

COUNTY OF \_\_\_\_\_ )

I, Phillip Braswell, being first duly sworn depose and say that the foregoing Answers to Interrogatories are true and correct to the best of my knowledge, information and belief.

\_\_\_\_\_  
PHILLIP BRANSWELL

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

**REQUEST FOR PRODUCTION OF DOCUMENTS**

1. Please provide a full and complete copy of the insurance policy referred to in the complaint.

**ANSWER:**

2. Please provide a copy of the State Farm Fire and Casualty Company agents documents used to report this loss.

**ANSWER:**

3. Please provide a copy of any and all estimates prepared by the defendant incidental to the fire damaged structure described in the complaint.

**ANSWER:**

4. Please provide a copy of the adjusters "scope sheet" and/or the adjuster's "scope notes".

**ANSWER:**

5. Please identify by names, addresses and phone numbers each and every individual or entity who has examined the fire damaged structure described in the complaint for the purpose of investigation and/or to evaluate the cost of repair, whether or not said person or entity provided any written documentation to the defendant.

**ANSWER:**

6. Please provide a copy of all photographs taken by the defendant and all diagrams prepared by the defendant in the adjustment of this loss.

**ANSWER:**

7. Please provide a copy of all police reports, fire department reports, and reports from the office of the state fire marshal regarding this loss.

**ANSWER:**

8. Please state each and every reason the defendant provided to the plaintiff that \$37,161.99 represented full performance under its contract of insurance with the plaintiff and provide copies of any emails, correspondence, internal memorandums or any other written documentation in this regard.

**ANSWER:**

Respectfully submitted this 13<sup>th</sup> day of May, 2014.

  
\_\_\_\_\_  
WILLIAM D. MITCHELL, #003536

Attorney for Petitioner

112 South Main Street

Sparta, TN 38583


(931) 836-3192

(931) 836-3193 (Fax)

**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of these INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS has been served upon the defendant simultaneously with the Service of Process.

This the 13<sup>th</sup> day of May, 2014.

  
\_\_\_\_\_  
WILLIAM D. MITCHELL